

### **Remarks**

Claims 1-2, 4-7, 20-24, 43-44, 46-49, and 62-66 have been canceled without prejudice or disclaimer. Claims 3, 19, 45, and 61 have been amended to only refer to amino acid residues 1-168 of SEQ ID NO:2 and the amino acid sequence of the extracellular domain of the polypeptide encoded by the deposited cDNA. No new matter has been added.

Claims 3, 8-19, 25-42, 45, 50-61, and 67-90 are pending. Claims 27-41, 69-83, and 85-90 have been allowed. Claims 17-18, 42, 59-60, and 84 have been withdrawn but are subject to rejoinder upon the allowance of claims 3, 29, 45, and 71 (of which claims 29 and 71 have been allowed).

#### **I. Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 1-3, 7, 9, 13-14, 19-21, 26, 43-45, 49, 51, 55-56, 61-63 and 68 under 35 U.S.C. § 102(b) as allegedly being anticipated by Gayle et al. (US 5,576,191), as evidenced by Benjamini et al. (Immunity, A Short Course, 2<sup>nd</sup> ed., 1992, page 40). More particularly, the Examiner alleges that Gayle et al. disclose a protein comprising the amino acids 175-186 of the present SEQ ID NO:2.

In response, Applicants note that the instant claims have been amended to refer to amino acid residues 1-168 of SEQ ID NO:2 and the amino acid sequence of the extracellular domain of the polypeptide encoded by the deposited cDNA, which thus do not read on a protein comprising amino acids 175-186 of SEQ ID NO:2. Indeed, the Examiner did not reject previous claims 4, 22, 46, and 64, instead noting that they would be allowable if rewritten in independent form, which the instant amendments accomplish. Accordingly, Gayle et al. cannot anticipate the pending claims, and the instant rejection should be reconsidered and withdrawn.

#### **I. Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claims 11-12 and 53-54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gayle et al. (US 5,576,191), as evidenced by Benjamini et al. (Immunity, A Short Course, 2<sup>nd</sup> ed., 1992, page 40), and further in view of Hermanus et al. (US 3,654,090).

In response, as noted above, the protein of Gayle et al. no longer reads on the pending claims, and thus the instant rejection should be reconsidered and withdrawn.



*Conclusion*

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the allowance of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Dated: November 23, 2007

Respectfully submitted,



Mark J. Hyman  
Registration No.: 46,789  
HUMAN GENOME SCIENCES, INC.  
Intellectual Property Dept.  
14200 Shady Grove Road  
Rockville, Maryland 20850  
(240) 314-1224

MJH/ba